

*Electronically Filed on
September 13, 2006*

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Attorneys for JV Direct Lenders:

Charles B. Anderson Trust; Rita P. Anderson Trust; Baltes Company; Juanita N. Carter; A. William Ceglia; Rane L. Ceglia; Robert A. & Sandra L. Cowman; Bruce Corum, Trustee of the Credit Shelter Trust; Andrew & Ellen Dauscher; Drs. David & Bonny Enrico; Fertitta Enterprises, Inc.; Judith L Fountain Irrevocable Trust Dated 8/26/97; Kehl Family; The Mault Family Trust; Mojave Canyon, Inc.; David W. & Pamela K. Sexton; Evelyn Asher Sheerin, Trustee for the Benefit of The Chris H. Sheerin (deceased) and Evelyn Asher Sheerin 984 Trust Dated 5/31/84; Evelyn Asher Sherrin, Trustee of the Chris and Evelyn Sheerin 1990 Trust; Sheerins Inc.; and Sierra Health Services

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

USA CAPITAL REALTY ADVISORS, LLC, Debtor.

USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC,
Debtor.

USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor.

USA SECURITIES, LLC,
Debtor.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**SECOND AMENDED
STATEMENT OF JONES
VARGAS PURSUANT TO
BANKRUPTCY RULE 2019
(AFFECTS ALL DEBTORS)**

Hearing Date: n/a
Hearing Time: n/a

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1 I, Janet L. Chubb, Esq., declare, under penalty of perjury, and state, as follows:

2 1. I am an attorney licensed to practice law in the state of Nevada and am a
3 shareholder of the law firm of Jones Vargas. I have personal knowledge of the facts set forth
4 herein and if called as a witness could and would competently testify thereto.

5 2. Louis M. Bubala, Esq., an associate of Jones Vargas, and I are the attorneys
6 primarily responsible for representing the following JV Direct Lenders in connection the above-
7 captioned cases, as first deed of trust holders only, with regard to certain loans which were
8 originated and serviced by the Debtors.

9 3. The representation of each client is based on direct loans each of them made to the
10 borrowers in one or more of various real property development projects listed below, which are
11 currently being serviced by USA Commercial Mortgage Company and which are secured by deeds
12 of trust.

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NAME(S) OF LENDERS	BORROWER	AMOUNT OF LOAN	STATUS OF LOAN
Charles B. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	Performing
	60 th Street Venture	\$125,000	Performing
	6425 Gess Ltd.	\$300,000	Non-Performing
	Amesbury/Hatters	\$100,000	Non-Performing
	Bay Pompano Beach	\$200,000	Non-Performing
	Beastar, LLC	\$100,000	Repaid ²
	Copper Sage	\$100,000	Performing
	Del Valle Isleton	\$303,500	Repaid ²
	Eagle Meadows	\$200,000	Non-Performing
	Fiesta/Beaumont	\$100,000	Performing
	Glendale Tower	\$100,000	Performing
	Golden State	\$100,000	Non-Performing
	Gramercy Court	\$200,000	Non-Performing
	HFAH-Clear Lake	\$100,000	Non-Performing
	HFAH- North Yonkers/One Point St	\$100,000	Non-Performing
	Huntsville	\$200,000	Non-Performing
	Margarita Annex	\$100,000	Non-Performing
	Marlton Square ¹	\$100,000	Non-Performing
	Oak Shores II	\$160,000	Performing
	Opaque/Mt. Edge	\$225,000	Non-Performing
	Placer Vineyards	\$200,000	Non-Performing
	Placer Vineyards 2 nd	\$100,000	Non-Performing
	Riviera (HFA)	\$150,000	Non-Performing
	Roam Development	\$100,000	Performing
	Standard Property	\$100,000	Performing
	Tapia Ranch/Castaic Partners	\$100,000	Non-Performing
	Wasco Investments	\$120,000	Non-Performing
Rita P. Anderson Trust 211 Copper Ridge Court Boulder City, NV 89005	5252 Orange, LLC	\$100,000	Performing
	60 th Street Venture	\$100,000	Performing
	6425 Gess	\$100,000	Non-Performing
	Eagle Meadows	\$150,000	Non-Performing
	Fiesta/Beaumont	\$100,000	Performing
	HFAH-Clear Lake	\$100,000	Non-Performing
	HFAH-North Yonkers/One Point St	\$100,000	Non-Performing
	Marlton Square ²	\$100,000	Non-Performing
	Placer Vineyards	\$100,000	Non-Performing
	Roam Development	\$100,000	Performing
	Tapia Ranch/Castaic Partners	\$100,000	Non-Performing
	Wasco Investments	\$120,000	Non-Performing

1 Marlton Square & MS Acquisition are the same thing. Marlton Square 2nd is also affiliated with MS Acquisition

² Loan repaid, but direct lenders have not been repaid.

<u>NAME(S) OF LENDERS</u>	<u>BORROWER</u>	<u>AMOUNT OF LOAN</u>	<u>STATUS OF LOAN</u>
Baltes Company 211 Copper Ridge Court Boulder City, NV 89005	3685 San Fernando Binford Medical Del Valle - Livingston J. Jireh's Corporation Marlton Square 2 nd 1	\$150,000 \$100,000 \$100,000 \$200,000 \$100,000	Performing Performing Performing Performing Non-Performing
Juanita N. Carter 4442 Valmonte Drive Sacramento, CA 95864	Marlton Square ¹	\$50,000	Non-Performing
A. William Ceglia 3720 Pocohena Court Washoe Valley, NV 89704	Bay Pompano Beach, LLC HFAH Clear Lake, LLC Palm Harbor One, LLC	\$50,000 \$110,000 \$50,000	Non-Performing Non-Performing Non-Performing
Ranee L. Ceglia 3720 Pocohena Court Washoe Valley, NV 89704	Mountain House Business Park/Pegasus-MH Ventures I, LLC	\$50,000	Performing
Bruce H. Corum, Trustee of the Credit Shelter Trust 4442 Valmonte Drive Sacramento, CA 95864	BarUSA Del Valle/Livingston Fox Hills 216 et al. Fiesta Oak Valley/Oak Mesa Ocean Atlantic Chicago, LLC Palm Harbor One, LLC Tapia Ranch/ Castaic Partners Wasco Investments	\$125,000 \$100,000 \$100,000 \$125,000 \$100,000 \$50,000 \$200,000 \$75,000	Non-Performing Performing Performing Non-Performing Performing Non-Performing Non-Performing Non-Performing
Robert A. Cowman Sandra L. Cowman 1525 Winterwood Avenue Sparks, NV 89434	6425 Gess, Ltd Brookmere, LLC Elizabeth May Real Estate, LLC	\$75,000 \$50,000 \$75,000	Non-Performing Performing Performing
Andrew and Ellen Dauscher P. O. Box 10031 Zephyr Cove. NV 89448	Cabernet Highlands, LLC Lake Helen/Old City LLC Marlton Square ¹ Mountain House Business Park/Pegasus-MH Ventures I, LLC Palm Harbor One, LLC Universal Hawaii/Sparks Galleria Investors, LLC	\$100,000 \$100,000 \$100,000 \$100,000 \$150,000 \$100,000	Non-Performing Non-Performing Non-Performing Performing Non-Performing Repaid ²

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<u>NAME(S) OF LENDERS</u>	<u>BORROWER</u>	<u>AMOUNT OF LOAN</u>	<u>STATUS OF LOAN</u>
Ellen Dauscher in Trust for Carleigh Joy, Alexandra Zoe, and Julian Grace Dauscher	Marlton Square ¹	\$100,000	Non-Performing
Dr. David R. Enrico Dr. Bonny K. Enrico 2072 Almyra Road Sparta, TN 38583-5168	3685 San Fernando Road 6425 Gess Ltd. HFAH-Clear Lake, LLC Margarita Annex Mountain House Bus. Park/Pegasus-MH Ventures I, LLC	\$100,000 \$100,000 \$95,000 \$100,000 \$75,000	Performing Non-Performing Non-Performing Non-Performing Performing
Fertitta Enterprises, Inc. William J. Bullard, CFO 2960 W.Sahara Ave. # 200 Las Vegas, NV 89102	Brookmere, LLC Colt Gateway Marlton Square ¹ Tapia Ranch/ Castaic Partners	\$1,000,000 \$4,000,000 \$3,000,000 \$5,000,000	Performing Non-Performing Non-Performing Non-Performing
Judith Fountain Irrevocable Trust Dated 8/26/97 Judy Fountain, Trustee 9808 Bridgeview Drive Reno, NV 89521-4051	Fiesta Oak Valley/Oak Mesa	\$250,000	Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Robert & Ruth Kehl:</u> 3685 San Fernando Road Anchor B Ashby BarUSA Brookmere Bundy Canyon Copper Sage Del Valle - Livingston Eagle Meadows/Foxhill 185 Fiesta Oak Valley/Oak Mesa Fiesta USA/Stoneridge Foxhill 216, etc. Freeway 101 Gateway Stone Glendale Tower Ptnrs Granmercy Court HFAH - Clear Lake Hunstville La Hacienda Mountain Home Business Park-Pegasus MH Venture Ocean Atlantic Palm Harbor One Placer Vineyard Shamrock Tower Tapia Ranch/Castaic Ten-Ninety	\$500,000 \$250,000 \$1,000,000 \$850,000 \$1,000,000 \$1,500,000 \$1,000,000 \$600,000 \$1,000,000 \$500,000 \$500,000 \$400,000 \$300,000 \$500,000 \$400,000 \$165,000 \$1,000,000 \$500,000 \$250,000 \$520,000 \$400,000 \$500,000 \$2,000,000 \$500,000 \$500,000 \$600,000	Performing Non-Performing Non-Performing Non-Performing Performing Performing Performing Performing Non-Performing Non-Performing Non-Performing Performing Repaid ² Non-Performing Performing Non-Performing Non-Performing Non-Performing Performing Performing Performing Non-Performing Non-Performing Non-Performing Non-Performing Non-Performing

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NAME(S) OF LENDERS	BORROWER	AMOUNT OF LOAN	STATUS OF LOAN
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl</u> BarUSA Bay Pompano Beach I-40 Gateway West Placer Vineyards Roam Development Tapia Ranch/Castaic	\$200,000 \$150,000 \$150,000 \$150,000 \$150,000 \$200,000	Non-Performing Non-Performing Performing Non-Performing Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl For Susan L. Kehl</u> Bay Pompano Beach	\$10,000	Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin Kehl for Andrew R. Kehl</u> Bay Pompano Beach	\$10,000	Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Daniel J. Kehl</u> Ashby Huntsville Tapia Ranch/Castaic Ten-Ninety	\$300,000 \$500,000 \$200,000 \$200,000	Non-Performing Non-Performing Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Robert A. Kehl</u> BarUSA Bay Pompano Beach Fox Hills Ocean Atlantic Ten-Ninety	\$300,000 \$300,000 \$500,000 \$500,000 \$400,000	Non-Performing Non-Performing Non-Performing Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Krystina L. Kehl</u> Placer Vineyards	\$500,000	Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kevin McKee</u> Fox Hills 216 Gateway Stone Eagle Meadows/Foxhill 185	\$100,000 \$100,000 \$300,000	Non-Performing Non-Performing Non-Performing

NAME(S) OF LENDERS	BORROWER	AMOUNT OF LOAN	STATUS OF LOAN
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Kehl Development Corp.</u> Eagle Meadows/Foxhill 185 Placer Vineyards Opaque/Mt. Edge	\$400,000 \$500,000 \$1,000,000	Non-Performing Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Patrick J. Anglin</u> Bay Pompano Beach Palm Harbor One Tapia Ranch/Castaic	\$50,000 \$100,000 \$50,000	Non-Performing Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Christina M. Kehl</u> BarUSA Bay Pompano Beach Fiesta/Stoneridge Freeway 101 I-40 Gateway West Palm Harbor One Placer Vineyards Tapia Ranch/Castaic	\$200,000 \$150,000 \$150,000 \$125,000 \$100,000 \$50,000 \$200,000 \$50,000	Non-Performing Non-Performing Non-Performing Repaid ² Performing Non-Performing Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Judy A. Bonnet</u> BarUSA Fiesta Oak Valley/Oak Mesa	\$50,000 \$100,000	Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Cynthia Winter</u> BarUSA Freeway 101 I-40 Gateway West Placer Vineyards Ten-Ninety	\$200,000 \$200,000 \$200,000 \$100,000 \$200,000	Non-Performing Repaid ² Performing Non-Performing Non-Performing
Kehl Family c/o Mr. Ken Bonnet 3184 Highway 22 P. O. Box 720 Riverside, IA 52327	<u>Warren Hoffman Family Investments</u> Tapia Ranch/Castaic	\$50,000	Non-Performing
The Mault Family Trust Allen J. Mault and Marita Mault, Trustees 2422 Aquasanta Tustin, CA 92782	Eagle Meadows/Fox Hills 185 etc.	\$50,000	Non-Performing

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NAME(S) OF LENDERS	BORROWER	AMOUNT OF LOAN	STATUS OF LOAN
Mojave Canyon Inc. Attn: J.B. Partain, President 1400 Colorado Street #C Boulder City, NV 89005	HFAH Clear Lake Midvale Marketplace, LLC Roam Development Group, LP Standard Property Development Gramercy Court	\$150,000 \$150,000 \$100,000 \$125,000 \$150,000	Non-Performing Non-Performing Performing Performing Non-Performing
Evelyn Asher Sheerin, Trustee for the benefit of The Chris H. Sheerin (deceased) and Evelyn Asher Sheerin 1984 Trust c/o Gary A. Sheerin, Esq. 177 W. Proctor St., #B Carson City, NV 89703	Marlton Square ¹	\$50,000	Non-Performing
Sheerins Inc. c/o Gary A. Sheerin, Esq. 177 W. Proctor St., #B Carson City, NV 89703	3685 San Fernando Road Partners	\$50,000	Performing
David W. Sexton Pamela K. Sexton 21929 N. 79th Place Scottsdale, AZ 85255	Amesburyport (Hatter's Point) Brookmere, LLC Bundy Canyon Land Develpt Gramercy Court, Ltd. HFAH-Clear Lake, LLC HFAH - North Yonkers (One Point Street, Inc.)	\$100,000 \$50,000 \$50,000 \$50,000 \$50,000 \$50,000	Non-Performing Performing Performing Non-Performing Non-Performing Non-Performing
Sierra Health Services Attn: Frank Collins 2724 N. Tenaya Way P. O. Box 15645 Las Vegas, NV 89114-5645	Gramercy Court Condos Marlton Square ¹	\$1,000,000 \$1,000,000	Non-Performing Non-Performing

4. The total of the loans made by the above-referenced individuals and entities is approximately \$51,343,500.00, depending on if the information our clients have received from the Debtor is complete and accurate.

5. The majority of these loans were made more than a year prior to the filing of petitions by the Debtors.

1 6. A supplement to this Statement will be filed upon the retention by any additional
2 JV Direct Lenders.

3 DATED this 13th day of September, 2006.

4 JONES VARGAS

5 By: //s// Janet L. Chubb
6 JANET L. CHUBB, ESQ.
7 LOUIS M. BUBALA, ESQ.

8 Attorneys for JV Direct Lenders
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CERTIFICATE OF SERVICE

1. We filed the following document(s) on August 30, 2006:

SECOND AMENDED BANKRUPTCY RULE 2019 STATEMENT OF JONES VARGAS

2. Upon filing, I served the above-named document(s) by the following means to the persons as listed below:

: a. **ECF System** (attach the "Notice of Electronic Filing" or list all persons and addresses):

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9 c. **Personal Service** (list persons and addresses):
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9 For a party represented by an attorney, delivery was made by handing the document(s) to the attorney or by leaving the document(s) at the attorney's office with a clerk or other person in charge, or if no one is in charge by leaving the document(s) in a conspicuous place in the office.

9 For a party, delivery was made by handing the document(s) to the party or by leaving the document(s) at the person's dwelling house or usual place of abode with someone of suitable age and discretion residing there.

: d. **By direct email (as opposed to through the ECF System)** (list persons and email addresses):

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9 e. **By fax transmission** (list persons and fax numbers):

Based upon the written agreement of the parties to accept service by fax transmission or a court order, I faxed the document(s) to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission is attached.

9 f. **By messenger:**

I served the document(s) by placing them in an envelope or package addressed to the persons at the addresses listed blow and providing them to a messenger for service. (A declaration by the messenger must be attached to this Certificate of Service).

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 13th day of September, 2006.

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Tawney Waldo
Name

//s// Tawney Waldo
Signature